

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

JAMES E. DIETZ, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 1:04-0600

KIMBERLY A. GRIFFITH,

Defendant.

**MEMORANDUM OPINION AND ORDER**

By Order entered September 1, 2005, the court cancelled the trial of this matter at the request of plaintiffs' counsel. Counsel for plaintiffs was directed to update the court of the status of the case on or before December 31, 2005. As of yet, counsel for plaintiffs has not done so. Accordingly, it appears to the court that plaintiffs have abandoned this action.

PLAINTIFFS ARE HEREBY INFORMED THAT THEY HAVE UNTIL MAY 25, 2007, TO INFORM THE COURT IF THEY WISH TO PROCEED WITH THIS ACTION. FAILURE ON THE PART OF PLAINTIFFS OR AN ATTORNEY ON THEIR BEHALF TO DO SO WILL RESULT IN DISMISSAL OF THIS ACTION FOR FAILURE TO PROSECUTE.

The Clerk is directed to send copies of this Memorandum Opinion and Order to counsel of record.

IT IS SO **ORDERED** this 10th day of May, 2007.

ENTER:



David A. Faber  
Chief Judge